

CONFIDENTIAL

MEMORANDUM FOR: Director of Personnel

SUBJECT : Pay of Consultants

1. On Friday, July 18, Colonel White called me for information on the practice of other agencies in adjusting rates of consultants after the new General Schedule pay rates went into effect - 13 July 1969.

2. I told him that I had checked several agencies, including AEC, NASA, FAA, and the Department of Commerce and they considered that the top rate of GS-15 was a limit on what they could pay, but that they could pay less if they wished. I said they indicated they probably would increase the rates of some consultants from \$98.88 per day (the previous GS-15 top step) to \$107.92 (the present GS-15 top step) but that it was not automatic.

3. Colonel White said it appeared to him they hadn't made up their minds. I said this was possible. I said also there were agencies (such as NASA) that could pay consultants under two authorities - \$100 per day and Public Law 600, which permitted up to the top of the Classification Act - now \$107.92. He said he didn't understand how this was possible. I said it was because they previously had legislative authority up to \$100 per day, but because they were under the Classification Act they could now pay up to \$107.92, and they expected to do so if they found it necessary.

4. Colonel White was curious as to what practice the State Department followed. I told him that I had not checked but I could do so. I said I assumed they would follow the same practice as other agencies.

5. Colonel White also wondered if other agencies followed the same practice as we do in giving a consultant a contract providing a rate at the top step of GS-15. I said it was my understanding that they used a personnel action form, the same as for other employees, on which they only showed the daily pay rate. He wondered if we couldn't do the same thing. I said I thought we probably could.

6. Colonel White seemed satisfied with this information.

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7. On Tuesday morning, 22 July, I called the State Department to find out what pay practice they followed. They indicated that consultants who were paid at the top step of GS-15 had been adjusted to the new pay of \$107.92 per day. Thereafter I called AEC, FAA, and NASA. They indicated they were in the process of doing the same thing. AEC also indicated that they had established a new limit of \$130 per day for consultants in highly specialized scientific fields. However, the AEC is not limited by the Classification Act and can pay rates as high as necessary to attract the type of individuals they need.

8. I called Colonel White's office and left this information with his secretary. I have had no calls from him about it.



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Chief, Position Management & Compensation Division

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OP/PMCD/[redacted]:bcl (23 July 69)

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Pay of Experts and Consultants:

Under Section 303 of the National Security Act, the Agency's authority to pay Experts and Consultants is limited to paying no more than \$50 a day, except when confidential funds are authorized. The Department of Defense, AEC, and possibly other agencies can pay up to \$100 a day.

Some two years ago, the Deputy General Counsel indicated that Section 303 of the National Security Act could be easily revised to delete the \$50 limitation, which would then bring the CIA under PL 600 which would permit pay up to the top step of GS-15 (now approximately \$68.90 per day, and after 1 January 1964, \$74 per day). No action was then considered advisable.

Recently the Administrative Officer of ONE questioned the limitation on Consultant's pay. Possibly, it is now desirable to secure the revision of Section 303 of the National Security Act.

Holiday Pay:

Recently, [] questioned the Agency's authority to pay Wage Board employees time and a half plus gratuity pay (a total of $2\frac{1}{2}$ times base pay for 8 hours) for work on holidays. On investigation, it was learned that all wage employees in the Agency were being paid this rate because of a mistake made in programming the computer. WB and LB employees are properly authorized only twice the base pay for 8 hours on a holiday and time and one-half thereafter. Action is being taken to correct this mistake.

Night Differential Pay:

The AEC has been authorized by the Comptroller General to pay night differential to employees required by the nature of their work to work between the hours of 6:00 pm and 6:00 am even though not on a regular night duty tour.

Security Guards and Chauffeurs to top officials have been paid under this decision, and certain secretaries to top officials are considered eligible.

The advice of the General Counsel is being solicited to determine if this Agency should grant night differential in situations comparable to AEC's.

Revised - Manpower Control:

The revised regulation on Manpower Control, written by the Comptroller's Office, has been reviewed and a revision and comments submitted to the Comptroller.

Manpower Control:

The Division is collaborating with the Budget Division in providing ceiling, organizational and related data on manpower to enable the Budget Division to carry out its responsibility for effective manpower control.

Pending Legislation:

HR 1159 (9 January 1963) a hazardous pay bill which would authorize the Civil Service Commission to establish Hazardous Pay Schedules limited to 25% extra was transmitted to committee. Action is possible. A similar bill was introduced last year and sponsored by Mr. John Macy, Chairman of the Civil Service Commission.

17 January 1963 - HR 2039; 21 January ^{H.R.} - 2414; 24 January ^{H.R.} - 2323: Three identical bills to provide employees promoted on or after 1 January 1962 shall be considered for salary, time in grade, promotion date, rate of compensation, etc., to have been converted as of date of Federal Salary Reform Act (14 Oct. 1962) transmitted to committee. Of particular benefit to employees promoted shortly before 14 October (pay increase to as much as \$2000). Possible action.

Authorization and Pay of Consultants and Experts

UNLIMITED PER DIEM

	<u>Public Law</u>	<u>Date</u>
Atomic Energy Commission	PL 87-880	24 Oct 1962
White House Office	PL 87-575	6 Aug 1962
Corporations and Agencies under Government Corporation Control Act	PL 87-880 88-511	24 Oct 1962 30 Aug 1964
<u>\$100 PER DIEM</u>		
Department of Agriculture		
Agricultural Marketing Services (rate cases)	PL 87-879	24 Oct 1962
Department of Commerce		
* Bureau of Public Roads	PL 87-545	25 July 1962
Department of Defense		
Saint Lawrence River Joint Board of Engineers	PL 87-880	24 Oct 1962
Civil Aeronautics Board	PL 87-741	3 Oct 1962
Executive Office of the President		
National Aeronautics and Space Council	PL 87-741	3 Oct 1962
President's Advisory Committee on Labor Management Policy	PL 87-575	6 Aug 1962
* Federal Aviation Agency	PL 85-726	23 Aug 1958
Federal Home Loan Bank Board	PL 87-741	3 Oct 1962

	<u>Public Law</u>	<u>Date</u>
Federal Power Commission	PL 87-741	3 Oct 1962
Interstate Commerce Commission	PL 87-741	3 Oct 1962
* National Aeronautics and Space Administration	PL 85-568	29 July 1958
The Panama Canal	PL 87-880	24 Oct 1962
Saint Lawrence Seaway Development Corporation	PL 87-880	24 Oct 1962
Securities and Exchange Commission	PL 87-741	3 Oct 1962
* United States Arms Control and Disarmament Agency	PL 87-897	26 Sept 1961
<u>\$75 PER DIEM</u>		
Department of Agriculture	PL 88-572	2 Sept 1964
<i>Agricultural Stabilization Service</i>	88-356	7 July 1964
Forest Service	PL 87-578	9 Aug 1962
<i>Agricultural Research Service</i>	PL 88-573	2 Sept 1964
Department of Commerce		
* New York World's Fair	PL 87-545	25 July 1962
General Authority	PL 87-843	18 Oct 1962
Department of Health, Education, and Welfare		
Public Health Service	PL 87-570	9 Aug 1962
General Authority	PL 87-582	14 Aug 1962
Department of the Interior		
General Authority	PL 87-578	9 Aug 1962

	<u>Public Law</u>	<u>Date</u>
Department of Justice		
General Authority	PL 87-843	18 Oct 1962
Department of Labor		
General Authority	PL 87-582	14 Aug 1962
Department of State		
* Peace Corps	PL 87-293	22 Sept 1961
* Administrative Office of the United States Courts	PL 86-370	23 Sept 1959
Executive Office of the President		
Bureau of the Budget	PL 87-575	6 Aug 1962
Office of Emergency Planning (one position)	PL 87-741	3 Oct 1962
Public Works Acceleration	PL 87-880	24 Oct 1962
Expenses of Management Improvement	PL 87-575	6 Aug 1962
* Foreign Assistance Programs	PL 87-195	4 Sept 1961
Export-Import Bank of Washington	PL 87-872	23 Oct 1962
Federal Coal Mine Safety Board of Review	PL 87-578	9 Aug 1962
Federal Maritime Commission	PL 87-843	18 Oct 1962
Federal Mediation and Conciliation Service	PL 87-582	14 Aug 1962
General Services Administration		
Transportation and Public Utilities Service	PL 87-741	3 Oct 1962
Housing and Home Finance Agency	PL 87-741	3 Oct 1962
National Capital Planning Commission	PL 87-578	9 Aug 1962
* Continuing Legislation		

	<u>Public Law</u>	<u>Date</u>
National Labor Relations Board	PL 87-582	14 Aug 1962
National Mediation Board	PL 87-582	14 Aug 1962
Railroad Retirement Board	PL 87-582	14 Aug 1962
Smithsonian Institution	PL 87-578	9 Aug 1962
* Additions to the Natural History Building	PL 87-122	3 Aug 1961
* Remodeling of Civil Service Commission Building	PL 87-122	3 Aug 1961
Tariff Commission	PL 87-843	18 Oct 1962
<p>468.96 PER DIEM <i>\$88.48 PER DIEM</i> 474.16 PER DIEM <i>83.04</i></p> <p>(Class Act Rate - Oct 1962) (Class Act Rate - Jan 1961)</p>		
Department of Agriculture		
Agricultural Marketing Service	PL 87-879	24 Oct 1962
Agricultural Research Service	PL 87-879	24 Oct 1962
Cooperative State Experiment Station Service	PL 87-879	24 Oct 1962
Economic Research Service	PL 87-879	24 Oct 1962
Office of Information	PL 87-879	24 Oct 1962
Rural Electrification Administration	PL 87-879	24 Oct 1962
Soil Conservation Service - Conservation Operations,	PL 87-879	24 Oct 1962
Watershed Protection, Flood Prevention	PL 87-879	24 Oct 1962
Special Foreign Currency Program		
Department of Commerce		
Bureau of Public Roads	PL 87-843	18 Oct 1962
Department of Defense		
Army, Administration, Ryukyu Islands	PL 87-879	24 Oct 1962
General Authority (AIRLINES NATIONAL SECURITY Agency)	PL 87-879	9 Aug 1962

	<u>Public Law</u>	<u>Date</u>
Department of Health, Education, and Welfare		
Assistance to Refugees in the United States	PL 87-872	23 Oct 1962
* Water Pollution Control	PL 84-660	9 July 1956
Department of the Interior		
Historical and Archeological Data Preservation	PL 86-323	27 June 1960
* Saline Water Research	PL 85-883	2 Sept 1958
Department of Justice		
Federal Prison Industries, Inc.	PL 87-843	18 Oct 1962
Post Office Department		
Administration, Regional Operation, and Research	PL 87-575	6 Aug 1962
Research, Development, and Engineering	PL 87-575	6 Aug 1962
Department of State		
Administration of Foreign Affairs	PL 87-843	18 Oct 1962
American Sections, International Commissions	PL 87-843	18 Oct 1962
* Caribbean Commission	PL 80-431	4 March 1948
Educational Exchange	PL 87-843	18 Oct 1962
* International Atomic Energy Agency	PL 85-177	28 Aug 1957
Migration and Refugee Assistance	PL 87-872	23 Oct 1962
* Pan American Railway Congress	PL 80-794	28 June 1948
* South Pacific Commission	PL 80-483	28 Jan 1946
* World Health Organization	PL 80-643	14 June 1948
Department of the Treasury		
Office of the Secretary	PL 87-575	6 Aug 1962
Bureau of Customs	PL 87-575	6 Aug 1962
Bureau of Harbors	PL 87-575	6 Aug 1962
Coast Guard	PL 87-575	6 Aug 1962
Internal Revenue Service	PL 87-575	6 Aug 1962

	<u>Public Law</u>	<u>Date</u>
Civil Service Commission	PL 87-741	3 Oct 1962
Customs Court	PL 87-843	8 Oct 1962
District of Columbia Municipal Government	PL 87-867	23 Oct 1962
Executive Office of the President		
National Security Council	PL 87-575	6 Aug 1962
Office of Emergency Planning	PL 87-741	3 Oct 1962
Office of Science and Technology	PL 87-741	3 Oct 1962
Federal Communications Commission	PL 87-741	3 Oct 1962
Federal Trade Commission	PL 87-741	3 Oct 1962
Foreign Claims Settlement Commission	PL 87-843	18 Oct 1962
General Accounting Office	PL 87-741	3 Oct 1962
General Services Administration		
Strategic and Critical Materials	PL 87-741	3 Oct 1962
Library of Congress	PL 87-730	2 Oct 1962
* National Capital Transportation Agency	PL 86-669	14 July 1960
National Science Foundation	PL 87-741	3 Oct 1962
Renegotiation Board	PL 87-741	3 Oct 1962
Selective Service System	PL 87-741	3 Oct 1962
Smithsonian Institution		
National Gallery of Art	PL 87-570	9 Aug 1962

	<u>Public Law</u>	<u>Date</u>
Subversive Activities Control Board	PL 87-843	18 Oct 1962
United States Information Agency	PL 87-843	18 Oct 1962
* U. S. Study Commission - Southeast River Basin	PL 87-880	24 Oct 1962
* U. S. Study Commission - Texas	PL 87-330	30 Sept 1961
Veterans Administration	PL 87-741	3 Oct 1962
<u>\$50 PER DIEM</u>		
Department of Agriculture		
Agricultural Marketing Service	PL 87-879	24 Oct 1962
Department of Health, Education, and Welfare		
* International Health Research	PL 86-610	12 July 1960
* Advisory Commission on Intergovernmental Relations	PL 86-380	24 Sept 1959
* Century 21 Exposition	PL 86-250	9 Sept 1959
* Commission on Civil Rights	PL 85-315	9 Sept 1957
* Commission on International Rules of Judicial Procedure	PL 85-906	2 Sept 1958
Executive Office of the President		
* Defense Production Program	PL 81-774	8 Sept 1950
* International Health Research	PL 86-610	12 July 1960
* Central Intelligence Agency	PL 86-442	25 July 1960

NOTE: Other citations are Appropriation Acts or other temporary legislative action at the
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AUTHORIZATION AND PAY OF CONSULTANTS AND EXPERTSUnlimited Per Diem

	<u>Public Law</u>	<u>Date</u>
White House Office	PL 88-392	1 August 1964
Atomic Energy Commission	PL 88-511	30 August 1964
Corporations and Agencies Under Government Corporation Control Act	PL 88-511	30 August 1964

\$100 Per Diem

Department of Commerce Bureau of Public Roads	PL 87-545 (23 USC 303 (c))	25 July 1962
Department of State International Boundary and Water Commission, United States and Mexico	PL 81-786 (22 USC 277 d-3)	13 September 1950
Administrative Conference of the United States	PL 88-499	30 August 1964
Civil Aeronautics Board	PL 88-507	30 August 1964
District of Columbia Municipal Government Assessment of Property	PL 88-479	22 August 1964
National Aeronautics and Space Council	PL 88-507	30 August 1964

\$100 Per Diem

	<u>Public Law</u>	<u>Date</u>
President's Advisory Committee on Labor Management Policy	PL 88-392	1 August 1964
Executive Office of the President-Foreign Assistance	PL 88-633	7 October 1964
Federal Aviation Agency	PL 85-726 (49 USC 1343)	23 August 1958
Federal Communications Commission	PL 88-507	30 August 1964
Federal Home Loan Bank Board	PL 88-507	30 August 1964
Federal Power Commission	PL 88-507	30 August 1964
Federal Trade Commission	PL 88-507	30 August 1964
Interstate Commerce Commission	PL 88-507	30 August 1964
National Aeronautics and Space Administration	PL 85-568 (42 USC 2473 (b)(9))	29 July 1958
National Commission on Food Marketing	PL 88-354	3 July 1964
Office of Economic Opportunity	PL 88-452	20 August 1964
The Panama Canal	PL 88-511	30 August 1964
St. Lawrence Seaway Development Corporation	PL 86-511	30 August 1964
Securities and Exchange Commission	PL 88-507	30 August 1964
United States Arms Control and Disarmament Agency	PL 87-297 (22 USC 2581 (d))	26 September 1961

\$68.48 Per Diem
(Maximum Rate-Class. Art. July 1966)

	<u>Public Law</u>	<u>Date</u>
Department of Agriculture		
Agricultural Research Service	PL 88-573	2 September 1964
Cooperative State Research Service	PL 88-573	2 September 1964
Economic Research Service	PL 88-573	2 September 1964
National Agricultural Library	PL 88-573	2 September 1964
Office of Rural Development	PL 88-573	2 September 1964
Office of Information	PL 88-573	2 September 1964
Rural Electrification Administration	PL 88-573	2 September 1964
Soil Conservation Service	PL 88-573	2 September 1964
Special Foreign Currency Program	PL 88-573	2 September 1964
Department of Defense	PL 88-573	2 September 1964
Post Office Department	PL 88-446	19 August 1964
Department of State	PL 88-392	1 August 1964
Administration of Foreign Affairs	PL 88-527	31 August 1964
American Sections, International Commissions	PL 88-527	31 August 1964
Caribbean Commission	PL 80-431 (22 USC 280 1)	4 March 1946
Educational Exchange	PL 88-527	31 August 1964
International Atomic Energy Agency	PL 88-527	31 August 1964

\$88.48 Per Day

	<u>Public Law</u>	<u>Date</u>
Department of State (Cont'd)		
Migration and Refugee Assistance	PL 88-634	7 October 1964
Pan American Railway Congress	PL 80-794 (22 USC 280 k)	28 June 1948
South Pacific Commission	PL 80-403 (22 USC 280 b)	28 January 1948
World Health Organization	PL 80-643 (22 USC 290 b)	14 June 1948
Department of the Treasury	PL 88-392	1 August 1964
Bureau of Customs	PL 88-392	1 August 1964
Bureau of the Mint	PL 88-392	1 August 1964
Bureau of Narcotics	PL 88-392	1 August 1964
Coast Guard	PL 88-392	1 August 1964
Internal Revenue Service	PL 88-392	1 August 1964
Appalachian Regional Commission	PL 88-635	7 October 1964
Civil Service Commission	PL 88-507	30 August 1964
Customs Court	PL 88-527	31 August 1964
District of Columbia Municipal Government		
General Provisions	PL 88-479	22 August 1964

\$88.48 Per Diem

	<u>Public Law</u>	<u>Date</u>
Executive Office of the President		
Commission on Atlantic-Pacific Canal	PL 88-609	22 September 1964
National Security Council	PL 88-392	1 August 1964
Office of Emergency Planning	PL 88-507	30 August 1964
Foreign Claims Settlement Commission	PL 88-527	31 August 1964
General Accounting Office	PL 88-454	20 August 1964
General Services Administration - Strategic and Critical Materials	PL 88-507	30 August 1964
Library of Congress	PL 88-454	20 August 1964
National Capital Transportation Agency	PL 88-669 (40 UEC 665)	14 July 1960
National Science Foundation	PL 88-507	30 August 1964
Public Land Law Review Commission	PL 88-635	7 October 1964
Renegotiation Board	PL 88-507	30 August 1964
Selective Service System	PL 88-507	30 August 1964
Subversive Activities Control Board	PL 88-527	31 August 1964
United States Information Agency	PL 88-527	31 August 1964
Veterans Administration	PL 88-507	30 August 1964

\$75.00 Per Diem

	<u>Public Law</u>	<u>Date</u>
Department of Agriculture		
Agricultural Marketing Service	PL 88-573	2 September 1964
Forest Service	PL 88-356	7 July 1964
Department of Commerce - General Provisions	PL 88-527	31 August 1964
Department of Health, Education and Welfare - General Provisions	PL 88-605	19 September 1964
Public Health Service	PL 88-356	7 July 1964
Department of the Interior - General Provisions	PL 88-356	7 July 1964
Department of Justice	PL 88-527	31 August 1964
Department of Labor	PL 88-605	19 September 1964
Department of State - Peace Corps	PL 87-293 (22 USC 2512)	22 September 1964
Administrative Office of the United States Courts	PL 88-370 (28 USC 602)	23 September 1959
Alaska Temporary Claims Commission	PL 88-356	7 July 1964
Commission on Civil Rights	PL 88-352	2 July 1964
Executive Office of the President		
Bureau of the Budget	PL 88-392	1 August 1964
National Council on the Arts	PL 88-579	3 September 1964
Office of Science and Technology	PL 88-507	30 August 1964

	<u>\$75.00 Per Diem</u>	<u>Public Law</u>	<u>Date</u>
Executive Office of the President (Cont'd)			
Office of Special Representative for Trade Negotiations	PL 88-527		31 August 1964
Public Works Acceleration	PL 88-511		30 August 1964
Management Improvement	PL 88-392		2 August 1964
Export-Import Bank of Washington	PL 88-634		7 October 1964
Federal Coal Mine Safety Board of Review	PL 88-356		7 July 1964
Federal Maritime Commission	PL 88-527		31 August 1964
Federal Mediation and Conciliation Service	PL 88-605		19 September 1964
General Services Administration			
Operating Expenses, Transportation and Communications	PL 88-507		30 August 1964
Housing and Home Finance Agency	PL 88-507		30 August 1964
National Capital Planning Commission	PL 88-356		7 July 1964
National Commission on Technology, Automation, and Economic Progress	PL 88-444		19 August 1964
National Labor Relations Board	PL 88-605		19 September 1964
National Mediation Board	PL 88-605		19 September 1964
Railroad Retirement Board	PL 88-605		19 September 1964
Smithsonian Institution-General	PL 88-356		7 July 1964
Tariff Commission	PL 88-527		31 August 1964

\$50 Per Diem

	<u>Public Law</u>	<u>Date</u>
Department of Health, Education, and Welfare		
International Health Research	PL 86-610 (22 USC 2102 (b))	12 July 1960
Advisory Commission on Intergovernmental Relations	PL 86-380 (5 USC 2376 (d))	24 September 1959
Commission on International Rules of Judicial Procedure	PL 85-906	2 September 1958
Executive Office of the President		
Defense Production Program	PL 81-774	8 September 1950
International Health Research	PL 86-610	12 July 1960
Central Intelligence Agency	PL 80-253	26 July 1947